

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 24742 of 2004

Between:

- 1 Meda Hanumantha Rao, S/o.Late Venkatramayya,
r/o. K. Rajupalaem Village, Vualapadu Mandal, Prakasam District.
- 2 Meda Srinivasulu, S/o. Late Venkatramayya,
r/o. K. Rajupalaem Village, Vualapadu Mandal, Prakasam District.
- 3 Meda Venkateswara Perumala, S/o. Late Venkataramayya,
r/o. K. Rajupalaem Village, Vualapadu Mandal, Prakasam District.
- 4 Meda Venkata Sheshu Babu, S/o. Late Venkaramayya,
r/o. K. Rajupalaem Village, Vualapadu Mandal, Prakasam District.
- 5 Doratla Ramu, S/o. Yelamanda Setty,
r/o. K. Rajupalaem Village, Vualapadu Mandal, Prakasam District.
- 6 Ghanta Subhashini, W/o. Krishnaiah,
r/o. K. Rajupalaem Village, Vualapadu Mandal, Prakasam District.
- 7 Dronadula Varalakshmi, W/o. Adinarayana,
r/o. K. Rajupalaem Village, Vualapadu Mandal, Prakasam District.
- 8 Thota Srinivasu, S/o. Basawaiah,
r/o. K. Rajupalaem Village, Vualapadu Mandal, Prakasam District.
- 9 V. Padmasthan, S/o. Mastan,
r/o. K. Rajupalaem Village, Vualapadu Mandal, Prakasam District.

..... PETITIONERS

AND

- 1 The District Collector, Prakasam District at Ongole.
- 2 Revenue Divisional Officer, kandukur, Prakasam District.
- 3 The Chairman, National Highway Authority of India, New Delhi.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, order or direction more especially one in the nature of writ of Mandamus

direct the respondents to refer the matter to the Arbitrator and pass such other order or orders as are deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.P.SRI RAGHU RAM

Counsel for Respondents 1 and 2: GP FOR LAND ACQUISITION

Counsel for respondent No.3: Sri S.S.Varma

The Court at the stage of admission made the following ORDER:

Heard learned counsel for the petitioners, learned Government Pleader for Land Acquisition appearing for respondents 1 and 2 as well as learned standing counsel appearing for the third respondent.

The petitioners, who claim to be the owners of the land in survey Nos.52 and 53 of K.Raju Palem village, Vulvapadu Mandal, Prakasam District, filed this writ petition, aggrieved by the alleged action of the respondents in not referring their claims to the Arbitrator, under the provisions of the National Highways Act, 1956 (for short 'the Act).

The petitioners state that a notification dated 04-09-2001 under Section 3D (2) of the Act was published in the daily newspapers on 12-09-2001 inviting objections from the general public. In pursuance of the same, on 31-10-2001, some of the petitioners appeared before the respondents and participated in the enquiry and consequently,

an order was passed on 20-11-2001 rejecting the request of the petitioners to exempt their lands from the acquisition proceedings. Thereafter, the second respondent passed an Award dated 17-08-2002 determining the compensation for the lands acquired. Since the compensation awarded was very low, the petitioners state that they received compensation under protest and immediately thereafter, issued a telegram on 07-07-2003 requesting to refer the matter to the Arbitrator for payment of compensation on par with the market rate. The petitioners allege that the said request made by them has not been considered by the respondents so far. Hence, this writ petition seeking the above relief.

Though no counter affidavit has been filed by the respondents, it is not disputed that W.P.No.21695/2002 with an identical prayer, was disposed of by this Court granting liberty to the petitioners therein to avail alternative remedy provided under Section 3G of the Act and directing the respondents to consider such request. The learned Counsel for both the parties represented that this writ petition may also be disposed of with similar directions.

Accordingly, without expressing any opinion with regard to the entitlement of the petitioners for higher compensation as claimed by them, the writ petition is disposed of granting leave and liberty to the petitioners to make an application under Sub-Section (5) of Section 3G of the Act, within a period of six weeks from the date of receipt of a copy of this order, in which event the first respondent shall consider the same and pass appropriate orders in accordance with law, within a period of four months thereafter. No order as to costs.

31-01-2005

kdl

To

- 1 The District Collector, Prakasam District at Ongole.
- 2 Revenue Divisional Officer, kandukur, Prakasam District.
- 3 The Chairman, National Highway Authority of India, New Delhi.
- 4 Two C.Cs. to the Government Pleader for Land Acquisition, High Court of A.P., Hyderabad (OUT).
- 5 Two C.D. Copies.